



U.S. Patent Application No.: 10/799,428
Attorney Docket No.: 68865.001007
Client Reference No.: S07-4001-4C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
Michael ROWAN, et al. : Group Art Unit: 2189
Appln. No.: 10/799,428 : Examiner: Shawn X. GU
Filed: March 12, 2004 : Confirmation No.: 8147
For: METHOD FOR IDENTIFYING : Customer No.: 69417
THE TIME AT WHICH DATA :
WAS WRITTEN TO A DATA STORE :

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the duty under 37 C.F.R. § 1.56 of each individual associated with the filing and prosecution of the above-identified patent application (hereinafter, "associated individuals") to disclose all information known to that individual to be material to patentability, Applicants hereby submit attached Form PTO/SB/08B (modified) listing cited references. This submission is made in accordance with 37 C.F.R. §§ 1.97 and 1.98 and M.P.E.P. § 609.

The cited references, while believed to be of some relevance, are not necessarily considered to teach or suggest any aspect of the invention described and claimed in the above-

identified patent application. Applicants hereby expressly reserve the right to swear behind the effective dates of any of the cited references. Applicants further reserve the right to question the relevance, materiality, and/or prior art status of any of the cited references in whole, in part, or in combination, subsequent to the filing of this information disclosure statement. This information disclosure statement is also not to be construed as a representation that a search has, or has not, been conducted or that no better art exists. Rather, this information disclosure statement discloses only the best references of which the associated individuals are aware.

In the Office Action dated March 17, 2009, the Examiner did not consider items 2-6 (previously items 83, 84, 87, 88 and 90) of the Information Disclosure Statement (IDS) submitted on November 24, 2008. The Examiner cites MPEP 609.04(a) for the proposition that both date and month of non-patent literature must be submitted. Applicants respectfully submit that MPEP 609.04(a) also indicates that "the year of publication (without the month) will be accepted if the applicant points out in the information disclosure statement that the year of publication is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the particular month of publication is not an issue." Applicants respectfully submit

that the filing date of the above-referenced application is March 12, 2004, claiming priority from U.S. Patent Application 10/668,833, with a filing date of September 23, 2003. Applicants point out, what was previously readily apparent in the IDS, that items 2-6 (previously items 83, 84, 87, 88 and 90) have imprinted copyright years that are sufficiently before the earliest filing date of the above-referenced patent application. However, Applicants reserve the right to establish an earlier date of conception and/or reduction to practice. In view of the foregoing, Applicants respectfully request that items 2-6 (previously items 83, 84, 87, 88 and 90) be considered in light of this statement.

The Examiner is respectfully requested to consider each of the cited references, to indicate such consideration by initialing in the space provided next to each cited reference on the enclosed Form PTO/SB/08B (modified), to sign the initialed Form PTO/SB/08B (modified), and to return a copy of the same with the next communication to the Applicants.

In accordance with 37 C.F.R. § 1.98(a), only copies of the cited references which are not U.S. patents or U.S. patent application publications are being submitted herewith. However, copies of the cited references which are U.S. patents or U.S. patent application publications will be submitted at the request

of the Examiner. In considering these cited references, it may be noted by the Examiner that certain of the references may contain markings, underlinings, and/or other notations. These markings, underlinings, and/or other notations are not to be construed as drawing the Examiner's attention either to selected parts or away from other parts of these cited references. Any such markings were either present on the copies of these cited references when obtained by the associated individuals, or were made thereon during the study of these cited references by the associated individuals.

In accordance with 37 C.F.R. § 1.97(b), this information disclosure statement is being filed within any one of the following time periods: (i) within three months of the filing date of the above-identified patent application; (ii) within three months of the date upon which the above-identified patent application entered the national stage as set forth in 37 C.F.R. § 1.491; (iii) before the mailing date of a first Office Action on the merits for the above-identified patent application; or (iv) before the mailing date of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. Accordingly, no statement or fee is required.

Please charge any shortage in fees due in connection with

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the filing of this communication to Deposit Account No. 50-0206,
and please credit any excess fees to such deposit account.

Respectfully submitted,

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